

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

)
USCOC OF NEW HAMPSHIRE RSA #2,)
INC., a Delaware corporation doing business as)
US CELLULAR)
)
Plaintiff,)
) CIVIL CASE NO. 1:05-CV-266-JM
v.)
)
CITY OF FRANKLIN, NEW HAMPSHIRE)
)
Defendant.)
)

ORDER

Pursuant to Section 704 of the Telecommunications Act of 1996, codified at 47 U.S.C. ¶ 332(c)(7) (the “TCA”), the parties’ Agreement for Judgment filed with this Court, the documents and information submitted in this action, and based on applicable law, the Court finds and orders as follows:

1. That Final Judgment hereby enters in favor of the Plaintiff USCOC of New Hampshire RSA #2, Inc., a Delaware corporation doing business as US Cellular (“US Cellular”).
2. That, under Count I of US Cellular’s Complaint, the decision of the Defendant City of Franklin’s Planning Board (the “Decision”) regarding US Cellular’s proposed wireless communications facilities (the “Facilities”) to be located at 798 Central Street, Franklin, New Hampshire, shall be and hereby is vacated.
3. Judgment is hereby entered in favor of US Cellular in accordance with the parties’ Agreement for Judgment.

4. Each party shall bear its own costs and fees.

SO ORDERED:

June 7, 2007

/s/ James R. Muirhead

Dated: _____

United States Magistrate Judge

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